

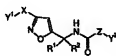
**REMARKS**

Claims 2-12 and 14 are pending in the present application. Claims 1 and 13 have been canceled and claim 2 has been amended to depend from claim 12. New claim 14 has been added, for example, based on pages 13-15 of the specification.

Entry of the above amendments is respectfully requested.

**I. Election of Species and Objections to the Claims**

In response to the Restriction Requirement of January 23, 2006, Applicants elected Group I, which read on claims 1-10, and elected species IV-34, which read on claims 1, 2, 5, and 12-13.



Compounds of formula (I), , wherein:

R¹ and R² are defined as in claim 1;

X represents formula (1)  $\text{---} \left( \begin{smallmatrix} \text{R}^3 \\ | \\ \text{R}^4 \end{smallmatrix} \right)_m \text{---} \left( \begin{smallmatrix} \text{R}^5 \\ | \\ \text{R}^6 \end{smallmatrix} \right)_n \text{---}$ , wherein R³ to R⁶ are defined as in

claim 1, m is 1 to 3, and n is 0 to 3; Z represents  $\left( \begin{smallmatrix} \text{R}^7 \\ | \\ \text{R}^8 \end{smallmatrix} \right)_r$ , R⁷ to R¹¹ represent are defined as in claim 1, r is 0 to 3, and Y¹ and Y² are a cycloalkyl group, a lower cycloalkenyl group, a phenyl group, a naphthyl group, a heteroaryl group, or an aliphatic hetero ring.

In addition, the Examiner objects to the claims because they contain elected and non-elected subject matter. However, should no prior art be found that anticipates or renders obvious the elected species, the search should be extended. In this case, since there are no prior art rejections, the claims should not be limited to the elected species and the search should be extended. See MPEP 803.02.

**II. Response to Rejection of Claims 1-10 and 12-13 under 35 U.S.C. § 112, second paragraph**

Claims 1-2 and 6 are rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite. The Examiner asserts that the term "may be substituted" for  $R^1$ ,  $R^2$ , X, Z,  $Y^1$  and  $Y^2$  are indefinite.

In addition, claims 12 and 13 are rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite. The Examiner asserts that the term ", may be substituted with one or more substituents selected from the group consisting of ..." on pages 13 and 15 are not clearly defined which substituents Applicants' intended to refer to.

Applicants respectfully traverse the rejections.

Initially, without conceding the merits of the rejection, claims 1 and 13 have been canceled and claim 12 has been rewritten in independent form. In addition, claim 2 has been amended to depend from claim 12.

The limitations of claims 2-10 and 12 are definite because one of ordinary skill in the art would understand that "may be substituted" means that each of  $Y^1$  and  $Y^2$  is either substituted or unsubstituted (e.g., one of ordinary skill in the art would understand that  $Y^1$  can be a substituted or unsubstituted alkyl group). In addition, the specification discloses at compounds of the formula (I) and (IA) may be substituted with various substituents and lists the substituents at pages 14-16. Further, any of  $R^1$ ,  $R^2$ , X, Z,  $Y^1$  and  $Y^2$  can be a phenyl, alkyl, etc. having the substituents listed on pages 13-16. Thus, it is respectfully submitted that one of ordinary skill in the art would understand the meaning of "may be substituted".

With respect to claim 12, the limitations of claim 12 is believed to be definite because one of ordinary skill in the art would understand that, for example, when  $Y^1$  is a lower alkyl group which may be substituted, it can be an alkyl group substituted with any of the

substituents listed on page 15, lines 1-3 since the claim recites "the lower alkyl group which may be substituted". Thus, the lower alkyl group which may be substituted recited in claim 12 may be substituted with one or more substituents selected from the group consisting of a lower alkoxy group; a lower alkoxycarbonyl group; a halogen atom; a cyano group; a nitro group; a phenyl group which may be substituted; a lower acyl group; and a lower acyloxy group, as recited in claim 12 and disclosed on pages 14-16 of the specification.

Hence, it is respectfully submitted that one of skilled in the art would be apprised of the scope of the invention, and that the claims comply with §112, second paragraph.

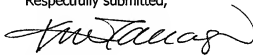
Accordingly, withdrawal of the rejection is respectfully requested.

**III. Conclusion**

For the foregoing reasons, reconsideration and allowance of claims 2-10, 12 and 14 is respectfully requested.

If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below. The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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WASHINGTON OFFICE

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